



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
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DA 14-1570
Released: October 29, 2014

COMMENTS INVITED ON APPLICATION OF CC FIBERLINK, LLC ON BEHALF OF CHARTER FIBERLINK CA-CCO, LLC; CHARTER FIBERLINK CCO, LLC; CHARTER FIBERLINK CC VIII, LLC; CHARTER FIBERLINK – TENNESSEE, LLC; CHARTER FIBERLINK TX-CCO, LLC; CHARTER ADVANCED SERVICES (CA), LLC; CHARTER ADVANCED SERVICES (MN), LLC; CHARTER ADVANCED SERVICES VIII (MN), LLC; CHARTER ADVANCED SERVICES (TN), LLC; CHARTER ADVANCED SERVICES (TX), LLC; CHARTER ADVANCED SERVICES (WI), LLC AND CHARTER ADVANCED SERVICES VIII (WI), LLC TO DISCONTINUE INTERCONNECTED VOIP SERVICES

WC Docket No. 14-67
Comp. Pol. File No. 1148

Comments Due: November 13, 2014

On **March 11, 2014**, **CC Fiberlink, LLC** (CC Fiberlink or Applicant) filed an application with the Federal Communications Commission (FCC or Commission) on behalf of its affiliates (CC Fiberlink Affiliates), **Charter Fiberlink CA-CCO, LLC; Charter Fiberlink CCO, LLC; Charter Fiberlink CC VIII, LLC; Charter Fiberlink – Tennessee, LLC; Charter Fiberlink TX-CCO, LLC** (collectively, Charter Fiberlink Companies); **Charter Advanced Services (CA), LLC; Charter Advanced Services (MN), LLC; Charter Advanced Services VIII (MN), LLC; Charter Advanced Services (TN), LLC; Charter Advanced Services (TX), LLC; Charter Advanced Services (WI), LLC** and **Charter Advanced Services VIII (WI), LLC** (collectively, Charter Advanced Services Companies), located at **12405 Powerscourt Drive, St. Louis, Missouri 63131**, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue offering certain interconnected Voice over Internet Protocol (VoIP) services in parts of the states of California, Minnesota, Tennessee, Texas and Wisconsin. With an amendment filed on October 1, 2014, CC Fiberlink limited its request to discontinue offering services to the states of California, Tennessee, Texas and Wisconsin (Affected Areas), and withdrew its request with respect to Minnesota.¹ On October 17, 2014, CC Fiberlink filed a further amendment to clarify certain details regarding its proposal to discontinue offering services.² Accordingly, CC Fiberlink's application is deemed complete as of October 17, 2014.

The application indicates that the CC Fiberlink Affiliates provide voice communications services exclusively in the form of interconnected VoIP service. CC Fiberlink specifies that the CC Fiberlink

¹ See Letter from Charles V. Gerkin, Jr., Counsel for CC Fiberlink, LLC to Rodney McDonald, Esq., Federal Communications Commission, WC Docket No. 14-67 (filed October 1, 2014).

² See Letter from Charles V. Gerkin, Jr., Attorney for CC Fiberlink, LLC to Rodney McDonald, Esq., Federal Communications Commission, WC Docket No. 14-67 (filed October 17, 2014).

Affiliates offer discounted interconnected VoIP services that are marketed to qualifying residential customers as Lifeline service in the Affected Areas (Affected Services), and as Telephone Assistance Plan service in Minnesota. CC Fiberlink explains that the Charter Fiberlink Companies are state-certificated competitive local exchange carriers that historically have offered discounted interconnected VoIP services as tariffed local exchange service pursuant to the requirements of the state laws where they operate. CC Fiberlink states, however, that the Charter Fiberlink Companies currently do not have any customers. According to CC Fiberlink, the Charter Fiberlink Companies assigned the rights to serve their residential interconnected VoIP service customers to the Charter Advanced Services Companies on March 1, 2013. CC Fiberlink maintains that the Charter Fiberlink Companies are no longer required to offer these discounted interconnected VoIP services to qualifying residential customers as a result of changes in state laws and related changes in company operations. CC Fiberlink adds that the Charter Advanced Services Companies have never been required by state law to offer these or similar discounted services. CC Fiberlink indicates that the CC Fiberlink Affiliates now plan to discontinue offering the Affected Services to new customers in the Affected Areas as soon as federal approval is obtained.

CC Fiberlink maintains that the public convenience and necessity will not be adversely affected by this proposal because no existing customers will be affected and comparable services are available from other providers in the market. CC Fiberlink asserts that even when these services are grandfathered and no longer available to new customers, the Charter Advanced Services Companies intend to continue providing the services to existing customers at the same rates, terms and conditions at which they currently provide the services, until those customers voluntarily terminate their service or are terminated for non-payment or violation of the terms of service. According to CC Fiberlink, service to existing customers will not otherwise be reduced or impaired in any way. In the event that the Charter Advanced Services Companies decide to discontinue providing the Affected Services to existing customers in the future, CC Fiberlink adds that then-existing customers will be provided with appropriate notice and a discontinuance application will be filed at that time seeking authority to do so. CC Fiberlink states that the CC Fiberlink Affiliates are considered non-dominant with respect to the Affected Services.

In accordance with section 63.71(c) of the Commission's rules, CC Fiberlink's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies CC Fiberlink that the grant will not be automatically effective. In the revised application, CC Fiberlink indicates that the CC Fiberlink Affiliates plan to discontinue offering the Affected Services to new customers in the Affected Areas as soon as federal approval is obtained. Accordingly, pursuant to section 63.71(c) and the terms of CC Fiberlink's revised application, absent further Commission action, the CC Fiberlink Affiliates may discontinue offering the Affected Services to new customers in the Affected Areas on or after **November 29, 2014**, in accordance with CC Fiberlink's filed representations. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

Comments objecting to this application must be filed with the Commission on or before **November 13, 2014**. Such comments should refer to **WC Docket No. 14-67 and Comp. Pol. File No. 1148**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), Carmell.Weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), Rodney.McDonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

– FCC –

³ 47 C.F.R. §§ 1.1200 *et seq.*